

REMARKS

Claims 1-17 are cancelled and Claims 18-35 are added. Claims 18-35 remain in the application. No new matter is added by the new claims.

The Rejections:

In the Office Action dated December 29, 2005, the Examiner rejected Claims 1 and 5-10 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The Examiner stated that Claim 1 discloses a source of parametric data information, an equipment database, a product database, and an offer generator program that are present on an apparatus and the mere incorporation of data in a storage medium such as a database is considered nonfunctional descriptive material. (See MPEP 2106(IV)(B)1(b). The Examiner noted, additionally, a program not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. (See MPEP 2106(IV)(B)1(a). The Examiner stated that Claims 5 -10 have similar deficiencies.

The Examiner rejected Claims 1-10 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner stated that Claim 1 discloses an apparatus that contains a source of parametric data information, an equipment database, a product database and an offer generator. However, the claim fails to particularly set out and circumscribe the apparatus with a reasonable degree of precision and particularity according to the Examiner. The Examiner stated that an "apparatus" is claimed in the preamble, however no structure is recited in the body of the claim and Claims 2-10 inherit the deficiencies of independent Claim 1.

The Examiner rejected Claims 1-3, 5-8, and 11-17 under 35 U.S.C. 102(e) as being anticipated by Gronemeyer et al. (U.S. Patent Number: 6,363,359).

Regarding Claim 1, the Examiner stated that Gronemeyer discloses an apparatus for using data obtained from remote monitoring of equipment to generate product sales offers comprising:

a. A source of parametric data information related to operating parameters of customer equipment. (Col 2, lines 41-57)

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b. An equipment database for receiving and storing said parametric data information. (Col 5, lines 47-67) (Gronemeyer references a log file in this section. The examiner has interpreted this, as presented in context, as a file of records relating to software and hardware on the consumers computer. A database is simply a large collection of organized data. As such, the log file as described is considered a database.)

c. A product database for storing product information related to characteristics of a plurality of products related to the customer equipment, said product information for each said characteristic including a limit corresponding to a possible value of said parametric data information of an associated one of said operating parameters. (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48) In Col 1, lines 29-46 Gronemeyer discloses that a product database and a cross-reference database are obvious improvements that have previously been made in the art. As such, in Col 5, lines 47-67, when the server is describes as having goods and wares separated into different categories that interact with a log file to generates sales offers it inherently contains such databases)

d. An offer generator connected to said equipment database and to said product database for comparing a value of said stored parametric data information of a selected one of said operating parameters with at least one of said stored product information limits corresponding to said selected one operating parameter, said offer generator generating a sales offer for a product associated with said limit directed to the customer associated with the customer equipment when said value and said limit have a predetermined relationship. (Col 5, line 47 through Col 6, line 48)

Regarding Claim 2, the Examiner stated that Gronemeyer discloses the apparatus according to claim 1 including a customer database connected to said offer generator for receiving said sales offer and a web server connected to said customer database for sending said sales offer to the customer. (Col 5, line 47 through Col 6, line 48)

Regarding Claim 3, the Examiner stated that Gronemeyer discloses the apparatus according to claim 2 wherein said web server generates said sales offer on a web page for viewing by the customer. (Col 4, lines 34-42)

Regarding Claim 5, the Examiner stated that Gronemeyer discloses the apparatus according to claim 1 including a customer database connected to said offer generator for

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receiving said sales offer, said customer database including customer information for verifying the accuracy of said sales offer. (Col 7, lines 56-64)

Regarding Claim 6, the Examiner stated that Gronemeyer discloses the apparatus according to claim 1 including a customer database connected to said offer generator for receiving said sales offer, said customer database including customer information for transmitting said sales offer to the customer, (Col 7, lines 56-64)

Regarding Claim 7, the Examiner stated that Gronemeyer discloses the apparatus according to claim 1 including an interface for receiving said parametric data information, a data collector connected to said equipment database and data transfer means connected between said interface and said data collector for transferring said parametric data information to said equipment database. (Col 2, lines 41-57)

Regarding Claim 8, the Examiner stated that Gronemeyer discloses the apparatus according to claim 1 wherein the products include devices and services. (Col 2, lines 41-57)

Regarding Claim 11, the Examiner stated that Gronemeyer discloses a method of using data obtained from remote monitoring of customer equipment to generate product sales offers, comprising the steps of:

- a. Receiving parametric data information related to an operating parameter of customer equipment. . (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48)
- b. Storing the parametric data information in an equipment database. (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48)
- c. Storing in a product database product information related to a characteristic of at least one product including a limit corresponding to a possible value of the parametric data information. . (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48)
- d. Comparing a value of the stored parametric data information with the limit. . (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48)
- e. Generating a sales offer directed to a customer associated with the customer equipment when the value and the limit have a predetermined relationship. (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48)

Regarding Claim 12, the Examiner stated that Gronemeyer discloses the method according to claim 11 including a step of storing in a customer database customer information

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related to the customer and sending the sales offer to the customer based upon the stored customer information. (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48)

Regarding Claim 13, the Examiner stated that Gronemeyer discloses the method according to claim 12 including sending the sales offer to the customer by at least one of regular mail, e-mail and a web page. (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48)

Regarding Claim 14, the Examiner stated that Gronemeyer discloses the method according to claim 12 including using the customer information to verify the accuracy of the sales offer. (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48) (Since the sales offer sent to the customer is based upon the customer information, the accuracy of the offer in relationship to the customer information is inherently verified)

Regarding Claim 15, the Examiner stated that Gronemeyer discloses the method according to claim 11 including a step of monitoring the customer equipment to generate the parametric data information. (001 3, lines 11-37)

Regarding Claim 16, the Examiner stated that Gronemeyer discloses the method according to claim 11 wherein said step c. is performed by storing in the product database product information related to characteristics of a plurality of devices and services. (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48)

Regarding Claim 17, the Examiner stated that Gronemeyer discloses the method according to claim 11 including performing said steps a. through b. for a plurality of operating parameters of the customer equipment. (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48)

The Examiner rejected Claim 4 under 35 U.S.C. 103(a) as being unpatentable over Gronemeyer in view of Palme et al. (RFC 2557, MIME Encapsulation of Aggregate Documents, such as HTML). The Examiner stated that Gronemeyer discloses the apparatus according to claim 2 wherein said web server generates said sales offer as a web page (Col 6, lines 35-48). The Examiner admitted, however, that Gronemeyer does not specifically state that the generated web page is transmitted to the consumer using an email transportation protocol. According to the Examiner, in the analogous teachings of Palme, a method of encapsulating web pages in email documents is disclosed (Page 1, lines 18-37) and it would have been obvious to one having ordinary skill in the art at the time the invention was made to send the generated sales offers via

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email since one would have been motivated to do so in order to provide potential customers with a reminder of the offer, in the event that the customer was not ready to make a purchasing decision during the browsing session.

The Examiner rejected Claims 9 and 10 under 35 U.S.C. 103(a) as being unpatentable over Gronemeyer.

Regarding Claim 9, the Examiner stated that Gronemeyer discloses the apparatus according to claim 1 wherein data regarding the hard drive capacity and the maximum available storage are gathered in order to facilitate a decision by the system (Col 3, lines 11-37). According to the Examiner, while Gronemeyer does not specifically state that a threshold is used, it would have been obvious to one having ordinary skill in the art at the time the invention was made to base this decision on a threshold since one would have been motivated to do so because the criteria supplied, hard drive capacity and available storage space, would readily lend themselves to calculating a percentage figure from which the threshold would be determined and a trigger point set. (i.e. Make offer if available storage space is less than 20% of the maximum capacity).

Regarding Claim 10, the Examiner stated that Gronemeyer discloses the apparatus according to claim 1 wherein data regarding the hard drive capacity and the maximum available storage are gathered in order to facilitate a decision by the system (Col 3, lines 11-37). According to the Examiner, while Gronemeyer does not specifically state that a range is used, it would have been obvious to one having ordinary skill in the art at the time the invention was made to base this decision on a range since one would have been motivated to do so because the criteria supplied, hard drive capacity and available storage space, would readily lend themselves to calculating a percentage figure from which a range would be established. Any percentage falling within this range would then trigger the generation of an offer. (i.e. Make offer if available storage space is between 5% and 20% of the maximum capacity).

The Cited References:

Gronemeyer describes a method and a system for facilitating e-commerce transactions between clients and servers over a network. A client computing device contacts a server to receive categories of goods or services offered by the server. A category is selected, the client is

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searched by a sentinel loaded within the client computing device and an inspection log is prepared. The inspection log is submitted to the server and a list of the goods and services offered by the server is sent to the client, the list being determined by the selected category. The list may also contain suggested purchases determined according to past client purchases, relevance to client installed goods, or expected client needs.

Palme describes MIME formatted messages for transmission of complete multi-resource HTML multimedia documents.

The Response:

Applicant rewrote cancelled Claims 1-10 as new Claims 18-27 to overcome the rejection of Claims 1 and 5-10 under 35 U.S.C. 101 and the rejection of Claims 1-10 under 35 U.S.C. 112, second paragraph.

Applicant added independent Claim 35 that combines the subject matter of new Claims 18 and 19 and adds that remotely located customer equipment includes at least one of an elevator installation and an escalator installation. See lines 19-28 on page 6 of the specification.

New Claims 18-35 define an apparatus and a method for generating product sales offers to customers tailored to specific needs of the customer using information obtained from remotely monitored customer equipment such as elevators or escalators. The gathered data are related to operating parameters of the centrally monitored customer equipment. In contrast, the Gronemeyer system refers to local sentinels inspecting configuration information and sending it to decentralized servers.

New independent Claims 18, 28 and 35 all define either an apparatus or a method including receiving parametric data information related to operating parameters of customer equipment being remotely monitored. The Gronemeyer system does not remotely monitor the client computing device for parametric data information related to operating parameters of the client computing device. In the description cited by the Examiner (Col 2, lines 41-57), the client initiates contact with the Gronemeyer server based upon the client's interest in goods or services being offered. In response, the server queries the sentinel for the inspection log of goods installed on the client computing device. The server does not monitor the operating parameters

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of the client computing device and the information in the inspection log is not parametric data information related to the operating parameters of the client computing device.

New independent Claims 18, 28 and 35 all define either an apparatus or a method including an equipment database storage device connected to the input means for receiving and storing said parametric data information from the customer equipment. The Examiner referenced Col 5, lines 47-67, but this paragraph describes the operation of the sentinel that inspects the client computing device for hardware or software related to a selected server category. Thus, the sentinel is located at the client computing device and is not receiving data from remotely monitored customer equipment as claimed. Furthermore, the sentinel does not receive and store parametric data information related to operating parameters.

New independent Claims 18, 28 and 35 all define either an apparatus or a method including a product database storage device for storing product information related to characteristics of a product including a limit corresponding to a possible value of the parametric data information. Nowhere in Gronemeyer is it stated or suggested that the product information stored on the server includes a limit corresponding to a possible value of parametric data information of an associated operating parameter.

New independent Claims 18, 28 and 35 all define either an apparatus or a method including an offer generator means connected to the equipment database storage device and to the product database storage device for comparing a value of the stored parametric data information of a selected one of the operating parameters with at least one of the stored product information limits corresponding to the selected one operating parameter, the offer generator means generating a sales offer for a product associated with the limit directed to the customer associated with the customer equipment when the value and the limit have a predetermined relationship. Nowhere in Gronemeyer is it stated or suggested that the server generates an offer of goods or services based upon a predetermined relationship between the value of parametric data information and a limit of the possible value associated with an operating parameter.

In summary, Gronemeyer describes a method and a system for facilitating e-commerce transactions between clients and servers over a network wherein the client initiates contact with the server and selects a category of goods or services offered by the server. The client computing device is searched by a sentinel loaded within the client computing device, an inspection log of

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installed devices is submitted to the server and a list of the goods and services offered by the server is sent to the client, the list being determined by the selected category.

In contrast, Applicant's Claims 18-35 define an apparatus and a method that receives parametric data information related to operating parameters of customer equipment being remotely monitored. When a value of the parametric data information has a predetermined relationship with a limit corresponding to a possible value of the parametric data information corresponding to an associated operating parameter, a sales offer is generated to the customer for a product associated with the limit. For example, as described at lines 5-15 on page 8 of the specification, the parametric data information can be elevator equipment room temperature being monitored by an elevator service company. A value of the temperature is compared with a temperature limit to generate a sales offer for a heater when there is a predetermined relationship between the value and the limit. The Gronemeyer system does not perform in this manner as explained above.

The Examiner stated that the prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The Examiner cited Amado (U.S. Patent Number 5,537,590) which discloses an inventory management replenishment system which utilized network monitoring and Dudle et al. (U.S. Patent Number: 5,570,291) which discloses a network enabled remote rules based data management system which is capable of being utilized for generating sales offers. Applicant reviewed these references and found them to be no more pertinent than the prior art relied upon by the Examiner in the rejections.

In view of the amendments to the claims and the above arguments, Applicant believes that the claims of record now define patentable subject matter over the art of record. Accordingly, an early Notice of Allowance is respectfully requested.

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